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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,053	01/28/2000	John Mansbridge	47103-200	2989

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EXAMINER

AWN, SAM K

ART UNIT

PAPER NUMBER

2634

7

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/494,053	MANSBRIDGE, JOHN	
	Examiner	Art Unit	
	Sam K Ahn	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on amendment, received on 6/27/03.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 and 6-9 is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 9 recites the limitation "the at least one data signal" in line 10. There is insufficient antecedent basis for this limitation in the claim. The Office suggests changing the limitation to "the identified at least one data signal".

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yun et al. ('445).

Regarding claims 1, 7 and 9, as recited claiming a method and apparatus of data filtering, Yun discloses a data filtering apparatus. (see Fig. 5) Filtering signals may be interpreted as a process of eliminating unwanted signals. The multiplexing unit receives plurality of inputs (X1 and Y1). Processing means (110) identifies at least one data signal from the plurality of data signals conforming to predetermined criteria. When the signal from photodiode 127 is above the predetermined criteria, the defect detector (110) sends a control signal to the multiplexing unit (112), which switches to the input X1,

otherwise, it switches to input Y1. Therefore, the defect detector (110) performs selective processing of the at least one data signal from the plurality of data signals (X1 and Y1). (note col.5, lines 5-42)

Regarding claims 2 and 8, Yun teaches all subject matter claimed, as applied to claim 1 or 7. Yun further discloses the processing means (110) comprises level detection means determining whether the plurality of data signals is above a predetermined threshold. (note col.5, lines 20-30) Yun states that the level detector compares the received signal to a predetermined threshold level.

Regarding claim 4, Yun teaches all subject matter claimed, as applied to claim 1. Yun further teaches, in figure 3, microcomputer receiving an external control signal. The microcontroller may be viewed also as the processor along with defect detector (110) as the microcontroller controls overall function of the system.

Regarding claim 6, Yun teaches all subject matter claimed, as applied to claim 1. Yun discloses photodiodes arranged in an array, as shown in figure 5, comprising data filtering apparatus.

***Allowable Subject Matter***

4. Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  
5. The following is a statement of reasons for the indication of allowable subject matter:

Closest prior art, Yun et al. ('445) teach, as explained above, a data filtering method and apparatus comprising input means, processing means comparing received signals to a predetermined threshold, and a multiplexing unit. Yun further teaches an external control signal received by the processing means. Yun discloses that the external control signal is received by the processor to control the servo, not to control selective processing of the plurality of data signals. Therefore, prior art does not teach the limitation as recited in claim 5.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited as having relevant subject matter in regards to this application.

Eumurian et al. (266) teaches optical receiver comprising multiple-threshold for a variable rate transmission system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sam Ahn** whose telephone number is **(703) 305-0754**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at **(703) 305-4714**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.

Sam K. Ahn  
9/5/03



YOUNG T. TSE  
PRIMARY EXAMINER